



Legislation Details (With Text)

**File #:** 250011      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Failed  
**File created:** 12/27/2024      **In control:** Council  
**On agenda:** 3/20/2025      **Final action:**  
**Title:** Sponsor: Director of City Planning and Development Department

Approving a major amendment to an approved development plan on about 7.2 acres in District MPD generally located at 9806 N. Oak Trafficway to allow for a drive-through restaurant. (CD-CPC-2024-00149).

**Sponsors:** Director of City Planning & Development

**Indexes:**

**Code sections:**

**Attachments:** 1. 11-20 CPC PPT\_Popeyes, 2. 13\_CD-CPC-2024-00149\_StaffReport\_Popeyes at BB N Oak, 3. CPC Dispo Letter, 4. Plans, 5. Docket Memo 0.1.5, 6. Public Testimony V.Roberts Opposed, 7. Public Testimony M.Netherton Opposed, 8. Public Testimony M.Hopkins Opposed, 9. Public Testimony - Joyce Allen 3.18.2025, 10. Authenticated Ordinance 250011

Date	Ver.	Action By	Action	Result
3/20/2025	1	Council	Passed	Fail
3/20/2025	1	Council	Failed	Pass
3/18/2025	1	Neighborhood Planning and Development Committee	Adv and Do Not Pass	Pass
3/4/2025	1	Neighborhood Planning and Development Committee	Hold on Agenda	
2/25/2025	1	Neighborhood Planning and Development Committee	Hold on Agenda	
2/4/2025	1	Neighborhood Planning and Development Committee	Hold on Agenda	
1/14/2025	1	Neighborhood Planning and Development Committee	Hold on Agenda	
1/9/2025	1	Council	referred	

ORDINANCE NO. 250011

Sponsor: Director of City Planning and Development Department

Approving a major amendment to an approved development plan on about 7.2 acres in District MPD generally located at 9806 N. Oak Trafficway to allow for a drive-through restaurant. (CD-CPC-2024-00149).

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That a major amendment to an approved development plan in District MPD (Master Planned Development) generally located at 9806 N. Oak Trafficway and more specifically described as follows:

A tract of land in the Southwest Quarter of Section 35, Township 52 North, Range 33

West of the 5th Principal Meridian in Kansas City, Clay County, Missouri being bounded and described by or under the direct supervision of Jason S. Roudebush, P.L.S. 2002014092 as follows: Commencing at the Southeast corner of said Southwest Quarter; thence North 00°19'32" East, on the East line of said Southwest Quarter, 831.13 feet; thence leaving said East line, North 89°40'28" West, 50.00 feet on point on the Existing Westerly right-of-way line of North Oak Traffic way, as know established, also being the Northeast corner of QuikTrip Store 221R, a subdivision of land in said Kansas City, Recorded as Instrument Number 2017031605 in Book I at Page 8.1 in Clay County Recorder of Deeds Office, of so being the Point of Beginning of the tract of land to be herein described: thence leaving said Existing Westerly right-of-way line, Southwesterly y on the Existing Northerly right-of-way line of N.E. 97th Street, as established by said QuikTrip Store 221R, along a curve to the right having an initial tangent bearing of South 00°19'32" West with a radius of 15.00 feet, a central angle of 89°59'55" and an arc distance of 23.56 feet; thence North 89°40'33" West, on said Existing Northerly right-of-way line, 287.67 feet to a point on the Easterly line of 97 at North Oak, a subdivision of land in said Kansas City recorded as Instrument Number 2021024642 in Book I at Page 136.4 in said Clay County Recorder of Deeds Office; thence North 00°19'49" East, on said Easterly line, 1,039.16 feet to the Northeast corner of said 97 at North Oak, also being a point on the Easterly line of Northland Cathedral, a subdivision of land in said Kansas City Recorded as Instrument Number R42190 in Cabinet F at Sleeve 36 in said Clay County Recorder of Deeds Office; thence South 88°54'51" East, on said Easterly line, 302.61 feet to a point on said Existing Westerly right-of-way line; thence leaving said Easterly line, South 00°19'32" West, on said Existing Westerly right-of-way line, 1,020.14 feet to the Point of Beginning. Containing 313,818 square feet or 7.20 acres, more or less.

is hereby approved, subject to the following conditions:

1. This major amendment shall also serve as an MPD final plan for Lot 4.
2. The developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to a certificate of occupancy.
3. All signage shall conform to 88-445 and shall require a sign permit prior to installation.
4. The developer shall submit an affidavit, completed by an ISA certified arborist, an SAF certified forester, a professional engineer, or a landscape architect licensed in the State of Missouri, verifying that all trees preserved and all trees planted to meet mitigation required of the approved plan, whichever is applicable, has been installed or preserved in accordance with the plan and is healthy prior to a certificate of occupancy.
5. Prior to issuance of the certificate of occupancy for each lot within the plat the developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy.
6. The developer shall screen all roof and/or ground mounted mechanical and utility equipment in

compliance with 88-425-08.

7. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to a certificate of occupancy.
8. Ordinance No. 220235, including all conditions provided therein, shall remain in full force and effect.
9. The developer shall provide an additional layer of landscape screening along the drive-through fronting N. Oak Trafficway with varieties of *Juniperus virginiana*, *Thuja occidentalis*, or *Viburnum*.
10. Spillover light from signage on any lot within the MPD onto R-zoned property or public rights-of-way may not exceed 2 lux, measured at grade along the property line.
11. All lighting shall not exceed the recommended levels of the Illuminating Engineering Society on all lots within the MPD.
12. The developer shall submit a letter to the Land Development Division from a licensed civil engineer, licensed architect, or licensed landscape architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64, Code of Ordinances, for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, and gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate of occupancy permits.
13. The developer shall pay impact fees as required by Chapter 39 of the City's Code of Ordinances, as required by the Land Development Division.
14. The developer shall ensure that water and fire service lines meet current Water Services Department rules and regulations prior to a certificate of occupancy.
15. Trees shall not be planted in the existing water easement along North Oak. Any grading within the existing water easement shall receive pre-approval from the Kansas City Water Department.
16. The developer shall submit a detailed micro storm drainage analysis from a Missouri-licensed civil engineer to the Kansas City Water Services Department showing compliance with the current, approved macro study on file with the City and with current adopted standards in effect at the time of submission, including water quality BMP's, prior to approval and issuance of any building permits to construct improvements on the site or prior to recording the plat, whichever occurs first. The developer shall verify and/or improve downstream conveyance systems or address solutions for impacted properties due to flow contributions from the site; and the developer shall construct any other improvements as required by the Kansas City Water Services

Department as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase.

17. The developer shall grant a BMP easement to the City as required by the Kansas City Water Services Department, prior to recording the plat or issuance of any building permits.

A copy of said development plan is on file in the office of the City Clerk with this ordinance and is made a part hereof.

Section B. That the Council finds and declares that before taking any action on the proposed amendment and development plan hereinabove, all public notices and hearings required by the Zoning and Development Code have been given and had.

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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

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Sara Copeland, FAICP  
Secretary, City Plan Commission

Approved as to form:

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Sarah Baxter  
Senior Associate City Attorney